



*Connor Maddux & Janer*, 425 F.3d 836, 840 (10th Cir. 2005) (quoting *Nielsen v. Price*, 17 F.3d 1276, 1277 (10th Cir. 1994)).

Plaintiff's complaint fails to satisfy the pleading requirements set forth in Rule 8 of the Federal Rules of Civil Procedure. In short, Plaintiff has failed to show he is entitled to relief. He attaches copies of two tickets notifying him that he was in violation of Tahlequah City Code(s). [Doc. 2 at 14]. A box was checked on both tickets showing "[g]rass and/or weeds in excess of twelve inches (12") in height." *Id.* Handwriting at the top of one ticket shows "Urgent!! Please call, we will be mowing your yard and placing a lein [sic] on you [sic] property soon!" *Id.* Plaintiff now complains that he was humiliated and that his property was destroyed. Plaintiff is requesting 13 million dollars "to cover both the psychological damages inflicted as well as punitive," and four million dollars "to cover the cost of the property in question as well as punitive." *Id.* at 13.

The court may *sua sponte* dismiss a complaint "when it is patently obvious that the plaintiff could not prevail on the facts alleged and allowing [him] an opportunity to amend [his] complaint would be futile." *Knight v. Mooring Capital Fund, LLC*, 749 F.3d 1180, 1190 (10th Cir. 2014); *see also Phillips v. Pub. Serv. Co. of N. M.*, 58 Fed.Appx. 407, 409 (10th Cir. 2003) ("Dismissals under Rule 12(b)(6) typically follow a motion to dismiss, which gives the plaintiff notice and an opportunity to amend his complaint. Nevertheless, in this circuit, *sua sponte* dismissal of a meritless complaint that cannot be salvaged by amendment comports with due process and does not infringe the right of access to the courts.").

The court finds that the allegations listed in the complaint [Doc. 2] do not create a claim upon which this lawsuit can proceed. It is patently obvious that the Plaintiff could not prevail on the facts alleged and allowing an opportunity to amend the complaint would be futile.

This complaint [Doc. 2] is DISMISSED without prejudice. Plaintiff's motions are DENIED as moot.

It is so ordered this 13<sup>th</sup> day of November, 2024.




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THE HONORABLE RONALD A. WHITE  
UNITED STATES DISTRICT JUDGE  
EASTERN DISTRICT OF OKLAHOMA